

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2471 Disciplinary Docket No. 3
: :
Petitioner : No. 59 DB 2018
: :
v. : Attorney Registration No. 88820
: :
RAPHAEL A. SANCHEZ, : (Out of State)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 4th day of May, 2018, upon consideration of the Verified Statement of Resignation, Raphael A. Sanchez is disbarred on consent from the Bar of this Commonwealth, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 5/4/2018

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner :

: ODC File No. C1-18-146

v. :

: Atty. Registration No. 88820

RAPHAEL A. SANCHEZ, :

Respondent : (Out of State)

RESIGNATION
UNDER Pa.R.D.E. 215

Raphael A. Sanchez, Esquire, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215, Pa.R.D.E. ("Enforcement Rules"), and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on May 15, 2002. His attorney registration number is 88820.

2. He desires to submit his resignation as a member of said bar.

3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting this resignation.

4. He is aware that there are presently pending investigations into allegations that he has been guilty of misconduct, based upon his guilty plea to criminal charges as

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Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

more fully set forth in the Information, a true and correct copy of which is attached as "Exhibit A."

5. On February 15, 2018, he pled guilty in the United States District Court for the Western District of Washington to one count of Wire Fraud, 18 U.S.C. § 1343, and one count of Aggravated Identity Theft, 18 U.S.C. 1028A. A true and correct copy of the Plea Agreement, which includes the Factual Basis for Plea, is attached as "Exhibit B."

6. On March 2, 2018, the Honorable Robert S. Lasnik, United States District Judge, accepted Respondent's guilty plea to Counts One and Two contained in the Information and adjudged Respondent guilty of such crimes. (Exhibit C)

7. He submits the within resignation because each crime for which he was adjudged guilty stands as a per se ground for discipline under Enforcement Rules 214(e) and 203(b)(1), and because he is guilty of the crimes.

8. He submits the within resignation because he knows that if charges were predicated upon his criminal conviction, he could not successfully defend against those charges.

9. He is fully aware that submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

10. He is aware that pursuant to Enforcement Rule 215(c), the fact that he has tendered this resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.

11. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust accounting, and cease-and-desist provisions of subdivisions (a), (b), (c) and (d) of Enforcement Rule 217.

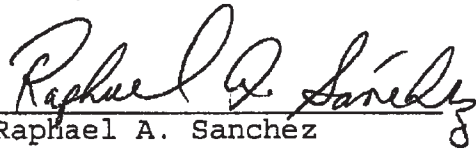
12. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e) (1).

13. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance, and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

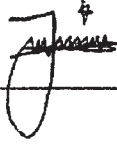
14. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has has not retained, consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S., Section 4904 (relating to unsworn falsification to authorities).

Signed this 12th day of April, 2018.


Raphael A. Sanchez

WITNESS: _____



CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: Harriet R. Brumberg

Name: Harriet R. Brumberg, Disciplinary Counsel

Attorney No. (if applicable): 31032

Exhibit A

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AT SEATTLE
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
CLERK
BY DEPUTY

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,
Plaintiff,

v.

RAPHAEL A. SANCHEZ,
Defendant.

NO. 18-CR-0040 RSL
INFORMATION

Count One: 18 U.S.C. § 1343
(Wire Fraud)

Count Two: 18 U.S.C. § 1028A
(Aggravated Identity Theft)

The United States of America, by and through the United States Department of Justice,
Criminal Division, Public Integrity Section, charges that:

COUNT ONE
Wire Fraud
(Title 18, United States Code, Section 1343)

Beginning in or about October, 2013, and continuing until on or about October 25, 2017,
in the Western District of Washington, the defendant,

RAPHAEL A. SANCHEZ,

devised and intended to devise a scheme and artifice to defraud financial institutions, including
American Express Company, Bank of America Corporation, Capital One Financial Corporation,
Citibank, Discover Financial Services, and JPMorgan Chase & Co., by using the personally
identifying information of seven aliens in various stages of immigration proceedings with the
United States Immigrations and Customs Enforcement to obtain money and property by means of

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U.S. DEPARTMENT OF JUSTICE
CRIMINAL DIVISION
PUBLIC INTEGRITY SECTION
1400 NEW YORK AVENUE, NW
WASHINGTON, D.C. 20005
(202) 514-1412

1 | materially false and fraudulent pretenses, representations, and promises, and in doing so,
 2 | transmitted and caused to be transmitted by means of wire communications in interstate or foreign
 3 | commerce, writings, signals, and email communications for the purpose of executing such scheme
 4 | and artifice to defraud; including but not limited to the following email that SANCHEZ caused to
 5 | be sent via interstate wires:
 6 |

DATE OF WIRE	DESCRIPTION OF WIRE COMMUNICATION
April 18, 2016	Email message sent from Raphael.Sanchez@ice.dhs.gov to Raphael.Sanchez@ice.dhs.gov and Raphael_sanchez@yahoo.com, containing a Puget Sound Energy bill addressed to R.H. for service at 3516 South Webster Street #A, Seattle, Washington, and an image of a United States permanent resident card and the biographical page of a Chinese passport issued to R.H., originating in Washington and utilizing email servers in West Virginia and Mississippi

15 | All in violation of Title 18, United States Code, Section 1343.

17 | **COUNT TWO**
 18 | **Aggravated Identity Theft**
 19 | **(Title 18, United States Code, Section 1028A)**

20 | On or about July 5, 2016, in the Western District of Washington, the defendant,

21 | **RAPHAEL A. SANCHEZ,**

22 | did knowingly transfer, possess, and use, without lawful authority, a means of identification of
 23 | another person, including the name, Social Security number, and birth date of R.H., a real person,
 24 | during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit, wire fraud
 25 | in violation of 18 U.S.C. § 1343, as charged in Count One of this Information, in violation of 18
 26 | U.S.C. § 1028A(a)(1).
 27 |

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Respectfully submitted,
ANNALOU TIROL
ACTING CHIEF
PUBLIC INTEGRITY SECTION



Luke Cass



Jessica C. Harvey
Trial Attorneys
Public Integrity Section
United States Department of Justice
1400 New York Avenue NW, 12th Floor
Washington, D.C.

Exhibit B

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

RAPHAEL A. SANCHEZ
Defendant.

NO. 18-CR-0040 RSL

PLEA AGREEMENT

The United States of America, by and through Luke Cass and Jessica C. Harvey, Trial Attorneys for the Public Integrity Section, Criminal Division, United States Department of Justice, and RAPHAEL SANCHEZ (hereinafter "the defendant") enter into the following Plea Agreement:

1 **Charges and Statutory Penalties**

2 1. The defendant agrees to waive indictment and to plead guilty to a two-count
3 Information charging him with one count of wire fraud in violation of 18 U.S.C. § 1343
4 and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A.

5 2. The defendant understands that Count One has the following essential
6 elements, each of which the United States would be required to prove beyond a reasonable
7 doubt at trial:

- 8 a. First, that the defendant knowingly devised a scheme or artifice to
9 defraud;
- 10 b. Second, that the defendant did so with the intent to defraud;
- 11 c. Third, that the scheme or artifice to defraud involved a materially false
12 or fraudulent pretense, representation, or promise; and
- 13 d. Fourth, that the defendant transmitted or caused to be transmitted by
14 means of wire communication in interstate or foreign commerce,
15 writings, signs, signals, pictures, or sounds for the purpose of executing
16 such scheme or attempting to do so.

17 3. The defendant understands Count Two has the following essential elements,
18 each of which the United States would be required to prove beyond a reasonable doubt at
19 trial:

- 20 a. First, that the defendant committed an enumerated felony offense as
21 defined in 18 U.S.C. § 1028A(c)(5), specifically wire fraud as alleged
22 in Count One of the Information;
- 23 b. Second, that during and in relation to that offense, the defendant
24 knowingly transferred, possessed, or used a means of identification of
25 a real person;
- 26 c. Third, that the defendant did so without lawful authority;
- 27

1 d. Fourth, that the means of identification belonged to another person;
2 and

3 e. Fifth, that the defendant knew that the means of identification belonged
4 to another person.

5 4. The defendant understands that pursuant to 18 U.S.C. § 1343, Count One
6 carries a maximum sentence of thirty years of imprisonment, a fine of up to \$1,000,000,
7 and a term of supervised release of not more than five years. Defendant must also pay a
8 Special Monetary Assessment of \$100.00 at or before the time of sentencing.

9 5. The defendant understands that pursuant to 18 U.S.C. § 1028A, Count Two
10 carries a statutory mandatory minimum sentence of two years of imprisonment that must
11 be imposed consecutive to any other sentence imposed by the Court, a fine of up to
12 \$250,000, and a term of supervised release of not more than one year. Defendant must also
13 pay a Special Monetary Assessment of \$100.00 at or before the time of sentencing.

14 6. The defendant understands that supervised release is a period of time
15 following imprisonment during which he will be subject to certain restrictive conditions
16 and requirements. The defendant further understands that if supervised release is imposed
17 and he violates one or more of the conditions or requirements, the defendant could be
18 returned to prison for all or part of the term of supervised release that was originally
19 imposed. This could result in the defendant's serving a total term of imprisonment greater
20 than the statutory maximum stated above.

21 7. The defendant understands that as a part of any sentence, in addition to any
22 term of imprisonment and/or fine that is imposed, the Court may order the defendant to
23 pay restitution to any victim of the offense, as required by law.

24 8. As part of this Plea Agreement, the Public Integrity Section agrees not to
25 prosecute the defendant for any additional offenses known to it as of the time of this
26 Agreement that are based upon evidence in its possession at this time, and that arise out of
27 the conduct giving rise to this investigation. In this regard, the defendant recognizes the

1 Public Integrity Section has agreed not to prosecute all of the criminal charges the evidence
2 establishes were committed by the defendant solely because of the promises made by the
3 defendant in this Agreement. The defendant agrees, however, that for purposes of
4 preparing the Presentence Report, the Public Integrity Section will provide the United
5 States Probation Office with evidence of all conduct committed by the defendant. This
6 agreement is not intended to provide any limitation of liability arising out of any crimes of
7 violence that may have been committed by the defendant.

8 **Factual Stipulations**

9 9. The defendant agrees that the attached "Factual Basis for Plea" fairly and
10 accurately describes the defendant's actions and involvement in the offenses to which the
11 defendant is pleading guilty. The defendant knowingly, voluntarily, and truthfully admits
12 the facts set forth in the Factual Basis for Plea, and that the United States would prove each
13 of the facts beyond a reasonable doubt if this case proceeded to trial.

14 **Sentencing**

15 10. The defendant acknowledges that no one has promised or guaranteed what
16 sentence the Court will impose. The defendant is aware that the sentence will be imposed
17 by the Court after considering the United States Sentencing Guidelines and related Policy
18 Statements (hereinafter "U.S.S.G." or "Sentencing Guidelines"). The defendant
19 acknowledges and understands that the Court will compute an advisory sentence under the
20 Sentencing Guidelines and that the applicable guidelines will be determined by the Court
21 relying in part on the results of a Pre-Sentence Investigation conducted by the Court's
22 probation office, which will commence after the guilty plea has been entered. The
23 defendant is also aware that, under certain circumstances, the Court may depart from the
24 advisory sentencing guideline range that it has computed, and may increase that advisory
25 guidelines range up to and including the statutory maximum sentence, or lower that
26 advisory guidelines range. The defendant is further aware and understands that the Court
27 is required to consider the advisory guideline range determined under the Sentencing

1 Guidelines but is not bound to impose that sentence, that the court is permitted to tailor the
2 ultimate sentence in light of other statutory considerations, and that such ultimate sentence
3 may either be more severe or less severe than the Sentencing Guidelines' advisory
4 sentence. Knowing these facts, the defendant understands and acknowledges that the court
5 has the authority to impose any sentence within and up to the statutory maximum
6 authorized by law for the offenses identified in Paragraph One and that the defendant may
7 not withdraw the plea solely as a result of the sentence imposed.

8 11. The United States reserves the right to inform the Court and the probation
9 office of all facts pertinent to the sentencing process, including all relevant information
10 concerning the offenses committed, whether charged or not, as well as concerning the
11 defendant and the defendant's background. Subject only to the express terms of any
12 agreed-upon sentencing recommendations contained in this Plea Agreement, the United
13 States further reserves the right to make any recommendation as to the quality and quantity
14 of punishment.

15 12. The defendant is aware that any estimate of the probable sentence or the
16 probable sentencing range relating to the defendant pursuant to the advisory Sentencing
17 Guidelines that the defendant may have received from any source is only a prediction and
18 not a promise, and is not binding on the United States, the probation office, or the Court,
19 except as expressly provided in this Plea Agreement.

20 **Sentencing Guidelines Stipulations**

21 13. The defendant understands that the sentence in this case will be determined
22 by the Court, pursuant to the factors set forth in 18 U.S.C. § 3553(a), including a
23 consideration of the Sentencing Guidelines as set forth in the Guidelines Manual for 2016.
24 Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B), and to assist the Court in
25 determining the appropriate sentence, the parties stipulate to the following:

26 a. **Offense Level under the Guidelines**

1 i. Count One: Wire Fraud

2 The parties agree to a Total Adjusted Offense Level of 20 based for Count
3 One based on the following stipulated calculation:

4

5	Base Offense Level (§ 2B1.1(a)(1))	7
6	Loss Amount of more than \$150,000 (§ 2B1.1(b)(1)(F))	+ 10
7	Sophisticated Means (§ 2B1.1(b)(2)(10))	+ 2
8	Vulnerable Victim (§ 3A1.1(b)(1))	+ 2
9	<u>Abuse of Position of Trust (§ 3B1.3)</u>	<u>+ 2</u>
10	Total Offense Level:	23

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12 ii. Count Two: Aggravated Identity Theft

13 Pursuant to U.S.S.G. § 2B1.6(a), for a defendant convicted of
14 violating 18 U.S.C. § 1028A, the Guideline sentence is the term of imprisonment required
15 by statute. Therefore, the Guideline sentence for Count Two of the Information is 24
16 months of imprisonment consecutive to Count One of the Information.

17
18 b. Acceptance of Responsibility

19 Provided that the defendant clearly demonstrates acceptance of responsibility, to the
20 satisfaction of the United States, through the defendant's allocution and subsequent
21 conduct prior to the imposition of sentence, the United States agrees that a 2-level reduction
22 would be appropriate, pursuant to U.S.S.G § 3E1.1(a). The United States, however, may
23 oppose any adjustment for acceptance of responsibility if the defendant:

- 24 i. fails to admit a complete factual basis for the plea at the time the
25 defendant is sentenced or at any other time;
- 26 ii. challenges the adequacy or sufficiency of the United States' offer of
27 proof at any time after the plea is entered;

- 1 iii. denies involvement in the offense;
- 2 iv. gives conflicting statements about that involvement or is untruthful
- 3 with the Court, the United States or the Probation Office;
- 4 v. fails to give complete and accurate information about the defendant's
- 5 financial status to the Probation Office;
- 6 vi. obstructs or attempts to obstruct justice, prior to sentencing;
- 7 vii. has engaged in conduct prior to signing this Plea Agreement which
- 8 reasonably could be viewed as obstruction or an attempt to obstruct
- 9 justice, and has failed to fully disclose such conduct to the United
- 10 States prior to signing this Plea Agreement;
- 11 viii. fails to appear in court as required;
- 12 ix. after signing this Plea Agreement, engages in additional criminal
- 13 conduct; or
- 14 x. attempts to withdraw the plea of guilty.

15 If the defendant has accepted responsibility as described above, and given that the
16 defendant's offense level is sixteen (16) or greater, the United States agrees that an
17 additional 1-level reduction would be appropriate, pursuant to § 3E1.1(b) of the Sentencing
18 Guidelines, because the defendant has assisted authorities by providing timely notice of the
19 defendant's intention to enter a plea of guilty, thereby permitting the United States to avoid
20 preparing for trial and permitting the Court to allocate its resources efficiently.

21 In accordance with the above, the Defendant's applicable Guidelines Offense Level
22 is 20.

23 **c. Criminal History Category**

24 Based upon the information now available to the United States, including
25 representations by the defense, the defendant has no criminal history. In accordance with
26 the above, therefore, the defendant's Criminal History Category is I.

27 **d. Applicable Guideline Range**

1 Based upon the calculations set forth above, the defendant's stipulated Sentencing
2 Guidelines range is thirty-three to forty-one months (the "Stipulated Guidelines Range").
3 In addition, there is a mandatory consecutive term of imprisonment for conviction under
4 18 U.S.C. § 1028A, adding twenty-four months to this range.

5 e. **Agreed Recommendation Regarding Imprisonment**

6 Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B), the parties jointly agree
7 to recommend 24 months of imprisonment for Count One and 24 months of imprisonment
8 for Count Two to be served consecutively for a total term of forty-eight (48) months of
9 imprisonment. The defendant understands that this recommendation is not binding on the
10 Court and that the Court may reject the recommendation of the parties and may impose any
11 term of imprisonment up to the statutory maximum penalty authorized by law. The
12 defendant further understands that he cannot withdraw his guilty pleas simply because of
13 the sentence imposed by the district court. Except as otherwise provided in this Plea
14 Agreement, the parties are free to present arguments regarding any other aspect of
15 sentencing.

16 **Court Not Bound by the Plea Agreement**

17 14. The defendant understands that pursuant to Federal Rules of Criminal
18 Procedure 11(c)(1)(B) and 11(c)(3)(B), the Court is not bound by the above stipulations,
19 either as to questions of fact or as to the parties' determination of the applicable Guidelines
20 range, or other sentencing issues. In the event that the Court considers any Guidelines
21 adjustments, departures, or calculations different from any stipulations contained in this
22 Plea Agreement, or contemplates a sentence outside the Guidelines range based upon the
23 general sentencing factors listed in 18 U.S.C. § 3553(a), the parties reserve the right to
24 answer any related inquiries from the Court.

25 **Rights Under Rule 11(b), Fed. R. Crim. P.**

26 15. The defendant understands that the Government has the right, in a
27 prosecution for perjury or false statement, to use against the defendant any statement that
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1 the defendant gives under oath during the guilty plea colloquy. The defendant also
2 understands that the defendant has the right: (A) to plea not guilty, or having already so
3 pleaded, the right to persist in that plea; (B) to a speedy and public trial before a jury of his
4 peers; (C) to the effective assistance of counsel at trial, including, if the defendant could
5 not afford an attorney, the right to have the Court appoint one for him; (E) to be presumed
6 innocent until guilt has been established beyond a reasonable doubt at trial; (F) to confront
7 and cross-examine adverse witnesses; (G) to compel or subpoena witnesses to appear on
8 his behalf at trial; and (H) to testify or remain silent at trial, at which trial such silence could
9 not be used against the defendant. The defendant also understands that the Constitution
10 guarantees the right to be considered for release until trial¹; and if found guilty of the
11 charges, the right to appeal the conviction on such charges to a higher court. The defendant
12 understands that if the Court accepts this plea of guilty, the defendant waives all of these
13 rights.

14 **Waiver of Appellate Rights and Rights to Collateral Attack**

15 16. The defendant is aware that the defendant has the right to challenge the
16 defendant's sentence and guilty plea on direct appeal. The defendant is also aware that the
17 defendant may, in some circumstances, be able to argue that the defendant's guilty plea
18 should be set aside, or sentence set aside or reduced, in a collateral challenge (such as
19 pursuant to a motion under 28 U.S.C. § 2255). Knowing that, and in exchange for the
20 promises made by the government in entering this Plea Agreement, the defendant
21 voluntarily and expressly waives all rights to appeal or collaterally attack the defendant's
22 conviction, sentence, or any other matter relating to this prosecution, whether such a right
23 to appeal or collateral attack arises under 18 U.S.C. § 3742, 28 U.S.C. § 1291, 28 U.S.C.
24 § 2255, or any other provision of law.

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27 ¹ Title 18, U.S.C. §§ 3141-3156, Release and Detention Pending Judicial Proceedings.

- 1 a. Notwithstanding the waiver provision above, if the government appeals from the
2 sentence, then the defendant may file a direct appeal of the defendant's sentence.
- 3 b. If the government does not appeal, then notwithstanding the waiver provision set
4 forth in this paragraph, the defendant may file a direct appeal or petition for
5 collateral relief but may raise only a claim, if otherwise permitted by law in such a
6 proceeding:
- 7 i. that the defendant's sentence on any count of conviction exceeds the
8 statutory maximum for that count as set forth above;
- 9 ii. challenging a decision by the sentencing judge to impose an "upward
10 departure" pursuant to the Sentencing Guidelines;
- 11 iii. challenging a decision by the sentencing judge to impose an "upward
12 variance," pursuant to 18 U.S.C. § 3553(a), above the final Sentencing
13 Guidelines range determined by the Court; and
- 14 iv. that an attorney who represented the defendant during the course of this
15 criminal case provided constitutionally ineffective assistance of counsel.

16 If the defendant does appeal or seek collateral relief pursuant to this subparagraph,
17 no issue may be presented by the defendant in such a proceeding other than those described
18 in this subparagraph.

19 17. By signing this Plea Agreement, the defendant acknowledges that the
20 defendant has discussed the appellate and collateral attack waivers set forth in Paragraph
21 16 of this Plea Agreement with the defendant's attorney. The defendant further agrees,
22 together with the United States, to request that the Court enter a specific finding that the
23 waiver of the defendant's right to appeal the sentence to be imposed in this case was
24 knowing and voluntary.

25 18. The defendant's waiver of rights in Paragraph 15 shall not apply to appeals
26 or challenges based on new legal principles in the United States Court of Appeals for the
27 Ninth Circuit or the United States Supreme Court cases decided after the date of this Plea
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1 Agreement that are held by the United States Court of Appeals for the Ninth Circuit or the
2 United States Supreme Court to have retroactive effect.

3 **Restitution**

4 19. In addition to the other penalties provided by law, the Court must also order
5 the defendant to make restitution pursuant to 18 U.S.C. § 3663A. The defendant
6 understands that restitution must be ordered by the Court to all victims of the defendant's
7 criminal conduct and not merely for those victims included in the counts to which the
8 defendant agrees to plead guilty. The parties agree that the defendant will make full and
9 complete restitution, with the final amount to be determined prior to sentencing and
10 specified in the Presentence Report. The defendant also agrees to repay any and all
11 amounts owed to the United States of America or the Internal Revenue Service as a result
12 of defendant's false filings on his tax returns. The defendant understands that restitution
13 may be ordered by the Court to all victims of the defendant's criminal conduct and not
14 merely for those victims included in the counts to which the defendant agrees to plead
15 guilty. The defendant further acknowledges that he may be required to pay for credit-
16 monitoring services for the aforementioned Victim Aliens to ensure that their credit is
17 properly repaired.

18 **Breach of Agreement**

19 20. The defendant understands and agrees that if, after entering this Plea
20 Agreement, the defendant fails specifically to perform or to fulfill completely each and
21 every one of the defendant's obligations under this Plea Agreement, or engages in any
22 criminal activity prior to sentencing, the defendant will have breached this Plea Agreement.

23 In the event of such a breach:

- 24 a. the United States will be free from its obligations under the Plea Agreement;
25 b. the defendant will not have the right to withdraw the guilty plea;
26 c. the defendant shall be fully subject to criminal prosecution for any other crimes,
27 including perjury and obstruction of justice; and

1 d. the United States will be free to use against the defendant, directly and indirectly,
2 in any criminal or civil proceeding, all statements made by the defendant and
3 any of the information or materials provided by the defendant, including such
4 statements, information, and materials provided pursuant to this Plea Agreement
5 or during the course of any debriefings conducted in anticipation of, or after
6 entry of this Plea Agreement, including the defendant's statements made during
7 proceedings before the Court pursuant to Rule 11 of the Federal Rules of
8 Criminal Procedure.

9 21. The defendant understands that Rule 11(f) of the Federal Rules of Criminal
10 Procedure and Rule 410 of the Federal Rules of Evidence ordinarily limit the admissibility
11 of statements made by a defendant in the course of plea discussions or plea proceedings if
12 a guilty plea is later withdrawn. The defendant knowingly and voluntarily waives the rights
13 arising under these rules.

14 22. The defendant understands and agrees that the United States shall only be
15 required to prove a breach of this Plea Agreement by a preponderance of the evidence. The
16 defendant further understands and agrees that the United States need only prove a violation
17 of federal, state, or local criminal law by probable cause in order to establish a breach of
18 this Plea Agreement.

19 23. Nothing in this Plea Agreement shall be construed to permit the defendant to
20 commit perjury, to make false statements or declarations, to obstruct justice, or to protect
21 the defendant from prosecution for any crimes not included within this Plea Agreement or
22 committed by the defendant after the execution of this Plea Agreement. The defendant
23 understands and agrees that the United States reserves the right to prosecute the defendant
24 for any such offenses. The defendant further understands that any perjury, false statements
25 or declarations, or obstruction of justice relating to the defendant's obligations under this
26 Plea Agreement shall constitute a breach of this Agreement. In the event of such a breach,
27 however, the defendant will not be permitted to withdraw this guilty plea.

1 **Waiver of Statute of Limitations**

2 24. It is further agreed that should any conviction following the defendant's plea
3 of guilty pursuant to this Plea Agreement be vacated for any reason, then any prosecution
4 that is not time-barred by the applicable statute of limitations on the date of the signing of
5 this Plea Agreement (including any counts that the United States has agreed not to
6 prosecute or to dismiss at sentencing pursuant to this Plea Agreement) may be commenced
7 or reinstated against the defendant, notwithstanding the expiration of the statute of
8 limitations between the signing of this Plea Agreement and the commencement or
9 reinstatement of such prosecution. It is the defendant's intent in entering this Plea
10 Agreement to waive all defenses based on the statute of limitations with respect to any
11 prosecution that is not time-barred on the date that this Plea Agreement is signed.

12 **Voluntariness of Plea**

13 25. The defendant agrees that he has entered into this Plea Agreement freely and
14 voluntarily and that no threats or promises, other than the promises contained in this Plea
15 Agreement, were made to induce the defendant to enter his pleas of guilty.

16 **Complete Agreement**

17 26. No agreements, promises, understandings, or representations have been
18 made by the parties or their counsel—either orally, in writing, or by any other means—
19 other than those contained in writing herein, nor will any such agreements, promises,
20 understandings, or representations be made unless committed to writing and signed by the
21 defendant, defense counsel, and a prosecutor for the Public Integrity Section.

22 27. The defendant further understands that this Plea Agreement is binding only
23 upon the Public Integrity Section, Criminal Division, United States Department of Justice.
24 This Plea Agreement does not bind any other office or component of the United States
25 Department of Justice, including the United States Attorneys' Offices, nor does it bind any
26 state or local authorities. It also does not bar or compromise any civil, tax, or administrative
27 claim pending or that may be made against the defendant.

1 28. By signing the Plea Agreement in the space indicated below and returning
2 the original once it has also been signed by counsel for the defendant, the defendant
3 acknowledges that the terms and conditions of this Plea Agreement are satisfactory.
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6

7 ANNALOU TIROL
8 Acting Chief
9 Public Integrity Section

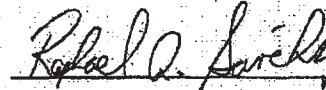
10 By: 

11 Luke Cass
12 Jessica C. Harvey
13 Trial Attorneys
14 Public Integrity Section
15 1400 New York Ave. NW
16 Washington, DC 20005
17 (202) 514-1412

DEFENDANT'S ACCEPTANCE

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2
3 I have read this Plea Agreement in its entirety and discussed it with my attorney. I
4 hereby acknowledge that it fully sets forth my agreement with the United States. I further
5 state that no additional promises or representations have been made to me by any official
6 of the United States in connection with this matter. I understand the crimes to which I have
7 agreed to plead guilty, the maximum penalties for those offenses and Sentencing Guideline
8 penalties potentially applicable to them. I am satisfied with the legal representation
9 provided to me by my attorney. We have had sufficient time to meet and discuss my case.
10 We have discussed the charges against me, possible defenses I might have, the terms of
11 this Plea Agreement and whether I should go to trial. I am entering into this Plea
12 Agreement freely, voluntarily, and knowingly because I am guilty of the offenses to which
13 I am pleading guilty, and I believe this Plea Agreement is in my best interest.

14
15 Date: 2-15-18




Raphael A. Sanchez

Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the pages constituting this Plea Agreement, reviewed them with my client, and discussed the provisions of the Plea Agreement with my client, fully. These pages accurately and completely set forth the entire Plea Agreement.

Date: 2.15.18



Cassandra R. Stamm

For the Defendant

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2 **FACTUAL BASIS FOR PLEA**

3 In conjunction with the submission of the accompanying Plea Agreement in this case, the
4 United States of America submits the following statement setting forth the facts leading to the
5 defendant Raphael Sanchez's acceptance of criminal responsibility for his violation of 18 U.S.C.
6 Sections 1343 and 1028A. If this matter had proceeded to trial, the United States would have
7 presented evidence that would have proven beyond a reasonable doubt the following facts:

8
9 The United States Immigration and Customs Enforcement's (ICE) Office of Principal
10 Legal Advisor (OPLA) serves as the exclusive representative of the United States Department of
11 Homeland Security (DHS) in immigration proceedings and provides legal services to ICE
12 programs and offices on a range of issues, including customs, criminal, and immigration law
13 enforcement authorities and ethics. At all relevant times, Raphael Sanchez served as Chief
14 Counsel of the OPLA Office of Chief Counsel in Seattle, Washington, with responsibility over
15 immigration proceedings in Alaska, Idaho, Oregon, and Washington.
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18 As Chief Counsel, Raphael Sanchez was entrusted with the enforcement of immigration
19 laws and the safeguarding of personally identifiable information belonging to aliens adjudicating
20 their cases through various immigration proceedings. While entrusted with this responsibility from
21 on or about October of 2013, through on or about October 25, 2017, Sanchez intentionally devised
22 a scheme to defraud financial institutions, including American Express Company, Bank of
23 America Corporation, Capital One Financial Corporation, Citibank, Discover Financial Services,
24 and JPMorgan Chase & Co., using the names of aliens in various stages of immigration
25 proceedings with ICE, including K.K., F.S., S.L., R.H., M.P., R.K., and N.Y. (collectively the
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1 "Victim Aliens") to obtain money and property by means of materially false and fraudulent
2 pretenses, representations, and promises. For the purpose of executing this scheme, Chief Counsel
3 Sanchez transmitted or caused to be transmitted, writings, signals, and sounds by means of a wire,
4 radio, or television communication in interstate commerce. For his own personal gain, Sanchez
5 used personally identifiable information of Victim Aliens to open lines of credit and personal loans
6 in their names, manipulated their credit bureau files, transferred funds and purchased goods using
7 credit cards issued in their names. In furtherance of the scheme, Chief Counsel Sanchez used
8 credit monitoring services to track Victim Aliens' credit scores to ascertain which person had the
9 most available credit and wrote to credit bureaus in the names of Victim Aliens to change their
10 registered addresses to his home address, or to contest account closings.
11

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13 In carrying out this scheme, Chief Counsel Sanchez obtained personally identifiable
14 information of Victim Aliens by using computer database systems utilized by ICE and by
15 accessing their official, hard-copy immigration Alien Files to forge identification documents on
16 his work computer, such as Social Security cards and Washington State Driver's Licenses in their
17 names. For male identities, Sanchez used his own photograph on the forged licenses. For female
18 identities, Sanchez used the photograph of a female murder victim published in a newspaper. Once
19 completed, Chief Counsel Sanchez used these forged identification documents to open credit card
20 and bank accounts in the names of Victim Aliens. Sanchez wrote his own home address in Seattle
21 as the Victim Aliens' addresses on account paperwork and, in some cases, created public utility
22 account statements in their names to provide the necessary proof of residence in order to open lines
23 of credit in their names or to conceal the scheme. Sanchez also manufactured a false earnings and
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1 | leave statement in the name of K.K. in furtherance of the scheme, and opened e-mail and online
2 | financial accounts in the names of Victim Aliens.

3 | Once the accounts were approved and opened, Sanchez made charges or drew payments in
4 | the names of Victim Aliens to himself or entities that he controlled. Sanchez set up a corporation
5 | named "Royal Weddings," had an Amazon Marketplace account, and used the trade names "Cool
6 | and Quirky Classic Cars," "Cool and Quirky Cars," or "Integral USA." These entities served as
7 | conduits to transfer fraudulent proceeds from accounts in the names of Victim Aliens to Sanchez's
8 | personal accounts. Sanchez also used PayPal and mobile point of sale devices from Amazon,
9 | Square, Venmo, and Coin to process fraudulent internet transactions.
10 |

11 | During and in relation to this scheme, Chief Counsel Sanchez knowingly transferred,
12 | possessed, or used without lawful authority the means of identification of a real person, R.H., to
13 | advance his wire fraud scheme. For example, a JP Morgan Chase account was opened in the name
14 | of R.H. on or around July 5, 2016. Sanchez created a Gmail account in the name of R.H. and listed
15 | it as the email address for this account along with Sanchez's home address and a mobile telephone
16 | number registered to ICE DHS OPLA and assigned to Sanchez from at least October 2015 to
17 | February 2017. On October 15, 2016, R.H. had a credit card charge of \$8,239.99 to PayPal user,
18 | "QuirkyCoolC" and on October 22, 2016, R.H. had a credit card charge of \$493.19 to "Royal
19 | Weddings." On October 24, 2016, R.H. had another charge to "QuirkyCoolC" for \$450. Sanchez
20 | admits that all of these charges were made by him using R.H.'s name and setting up this account
21 | resulted in a loss of over \$16,000 to JP Morgan Chase and adverse reporting on R.H.'s credit
22 | bureau files. R.H., a Chinese national, was placed into immigration proceedings for abandonment
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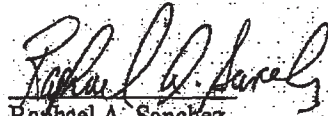
1 of residency status in June of 2015, and has never been to Seattle, Washington, which Sanchez
2 listed as R.H.'s address.

3 Like with R.H., Chief Counsel Sanchez continued this scheme of forging documents,
4 identifications, and creating fictitious e-mail accounts in an effort to open accounts and process
5 charges under the names of K.K, F.S., S.L., M.P., R.K., and N.Y. For each of these alien victims,
6 Chief Counsel Sanchez devised a scheme to defraud to obtain money and property by means of
7 materially false and fraudulent pretenses, representations and promises and transmitted or caused
8 to be transmitted, writings, signals, and sounds by means of a wire, radio, or television
9 communication in interstate commerce. Chief Counsel Sanchez used the personally identifiable
10 information of K.K, F.S., S.L., and N.Y to open lines of credit in their names, manipulated their
11 credit bureau files, transferred funds and purchased goods using credit cards issued in their names
12 for his own pecuniary gain. In a number of cases, Sanchez purchased goods online in the names
13 of Victim Aliens and had them shipped to his residence.
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17 These individuals had official business with ICE and due to their status of being deported
18 or otherwise excludable were particularly susceptible to Sanchez's criminal conduct. Many of
19 those Victim Aliens located outside the country were not notified that balances were due and owing
20 in their name or that the debts incurred by Sanchez's scheme adversely affected their credit scores.
21 Chief Counsel Sanchez admits that the Victim Aliens were vulnerable due to their immigration
22 status. The losses attributed to the financial institutions, including American Express Company,
23 Bank of America Corporation, Capital One Financial Corporation, Citibank, Discover Financial
24 Services, and JPMorgan Chase & Co., in the names of Victim Aliens was approximately
25 \$190,345.63 for purposes of the Plea Agreement.
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1 As part of the scheme to defraud, Chief Counsel Sanchez also claimed R.H., M.P., and
2 R.K. as relative dependents on his tax returns for 2014 through 2016. ICE has identified
3 approximately twenty additional potential individuals in various stages of immigration
4 proceedings with ICE whose personally identifiable information, including original Legal
5 Permanent Resident cards and official documents culled from immigration files, were in Sanchez's
6 possession at his residence.
7

8 At trial, the government would have proven beyond a reasonable doubt that Raphael
9 Sanchez is guilty as charged in Counts One and Two of the Information by presenting admissible
10 physical and documentary evidence such as photographs, videos, recordings, e-mails, and
11 documents, as well as the testimony of federal agents and forensic examiners.
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15 Raphael A. Sanchez
16 Defendant.
17 Date:
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Exhibit C

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**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,
Plaintiff,

NO. 18-CR-0040 RSL

v.

RAPHAEL A. SANCHEZ,
Defendant.

ACCEPTANCE OF PLEA OF GUILTY,
ADJUDICATION OF GUILT, AND NOTICE
OF SENTENCING

This Court, having considered the Report and Recommendation of the United States Magistrate Judge, to which there has been no timely objection, and subject to consideration of the Plea Agreement pursuant to Fed. R. Crim. P. 11(c)(1)(B), hereby accepts the plea of guilty of the Defendant to Counts One and Two contained in the Information, and the Defendant is adjudged guilty of such offenses. All parties shall appear before this Court for sentencing as directed.

IT IS SO ORDERED this 2nd day of March, 2018.

MS Cosiuk
United States District Judge